Amendment No.

CHAMBER ACTION

<u>Senate</u>   <u>House</u>

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1 Representative Stevenson offered the following:

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3   **Amendment**

4   Remove lines 188-207 and insert:

5   626.99287 Contestability of viaticated policies.—

6   (1) Except as hereinafter provided, if a viatical

7 settlement contract is entered into within the 2-year period

8 commencing with the date of issuance of the insurance policy or

9 certificate to be acquired, the viatical settlement contract is

10 void and unenforceable by either party.

11   (2) Except as hereinafter provided, if a life insurance

12 policy is subject to a loan secured directly or indirectly by an

13 interest in the policy within a 5-year period commencing on the

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14 date of issuance of the policy or certificate, the viatical

15 settlement contract is void and unenforceable by either party.

16   (3) Notwithstanding the limitations in subsections (1) and

17 (2) ~~this limitation~~, such a viatical settlement contract is not

18 void and unenforceable if the viator provides a sworn affidavit

19 and accompanying documentation certifying to the viatical

20 settlement provider that one or more of the following conditions

21 were met during the periods applicable to the viaticated policy

22 as stated in subsection (1) or subsection (2):

23   (a)~~(1)~~ The policy was issued upon the owner's exercise of

24 conversion rights arising out of a group or term policy, if the

25 total time covered under the prior policy is at least 60 months.

26 The time covered under a group policy shall be calculated without

27 regard to any change in insurance carriers, provided the coverage

28 has been continuous and under the same group sponsorship.~~;~~

29   (b)~~(2)~~ The owner of the policy is a charitable

30 organization exempt from taxation under 26 U.S.C. s. 501(c)(3).~~;~~

31   ~~(3) The owner of the policy is not a natural person;~~

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